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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,969	01/12/2000	Norman C. Chan	Chan 11	7737

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/01/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

1/12/2000

**Office Action Summary**

Application No.

09/482,969

Applicant(s)

CHAN, NORMAN C.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-12 and 14-28 are rejected under 35 U.S.C § 103(a) as being unpatentable over Peltz, U.S. Patent No. 6,546,097 (hereinafter Peltz) in view of DeJesus et al, U.S. Patent No. 6,430,271 (hereinafter DeJesus).

Regarding claim 1, Peltz discloses a method for use in managing outgoing calls in a call center, comprising initiating a call to a first party from the call center via a communication medium, wherein the call is to be serviced by a first agent of the call center if the call is answered by the first party; monitoring said communication medium for signals received from a location associated with the first party after said step of initiating a call; detecting an initial audible signal received

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from the first party location via said communication medium, wherein the initial audible signal is the first signal detected after said call is answered; initiating processing of said initial audible signal in a call classifier to determine a characteristic of said audible signal, said step of initiating processing includes initiating processing that will analyze whether said initial audible signal was generating by a live party during the call, wherein the analysis whether said initial audible signal was generated by a live party is the initial analysis made during the call; and playing a prerecorded greeting over said communication medium during said call, said prerecorded greeting being played during a time period when said call classifier is processing said initial audible signal, wherein said analysis of whether said initial audible signal was generated by a live party is the initial analysis made during the call (columns 3-5).

With respect to claim 1, Peltz does not disclose the prerecorded greeting is recorded in the voice of the first agent. However DeJesus discloses this limitation (col. 1, lines 30-45 and col. 3, lines 25-35). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peltz with the prerecorded greeting

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taught by DeJesus. This modification would allow the call to be personalized as suggested by DeJesus (col. 1, lines 55-65).

Regarding claim 2, see col. 4, lines 10-40 of Peltz.

Regarding claim 4, see col. 5, lines 20-27 of Peltz.

Regarding claim 5, see col. 1, lines 35-40 of Peltz.

Regarding claim 6, see Figure 1 of Peltz.

Regarding claim 7, see column 3 of Peltz.

Claim 8 is rejected for the same reasons as claim 1.

Regarding claim 9, see column 1 of Peltz.

Regarding claim 10, see column 3 of Peltz.

Regarding claim 11, see Figure 3 of Peltz.

Regarding claim 12, see column 4 of Peltz.

Regarding claim 14, see column 5 of Peltz.

Claim 15 is rejected for the same reasons as claim 8.

Regarding claim 16, see columns 2 and 4 of Peltz.

Regarding claim 17, see Figure 1 and column 4 of Peltz.

Regarding claim 18, see Figure 1 of Peltz.

Regarding claim 19, see column 1 of Peltz.

Regarding claim 20, see Figure 1 of Peltz.

Regarding claim 21, see Figure 1 of Peltz.

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Regarding claim 22, see Figure 1 and column 3 of Peltz.

Regarding claim 23, see Figure 3 of Peltz.

Regarding claim 24, see column 1 of Peltz.

Regarding claim 25, see column 1 of Peltz.

Regarding claim 26, see columns 3-5 of Peltz. Also see col. 3, lines 25-35 of DeJesus.

Claim 27 is rejected for the same reasons as claim 26.

Claim 28 is rejected for the same reasons as claim 27.

#### ***Response to Amendment***

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the

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organization where this application or proceeding is assigned  
are 703-872-9314 for regular communications and 703-872-9314 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 703-305-3900.

O.A.  
Olisa Anwah  
Patent Examiner  
November 17, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

